

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>BENJAMIN BOYNTON, JR.,</b>	:	<b>CIVIL ACTION NO. 1:09-CV-0053</b>
	:	
<b>Petitioner</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>KENNETH CAMERON and</b>	:	
<b>ATTORNEY GENERAL OF THE</b>	:	
<b>STATE OF PENNSYLVANIA,</b>	:	
	:	
<b>Respondents</b>	:	

**ORDER**

AND NOW, this 15th day of July, 2009, upon consideration of *pro se* petitioner's motion (Doc. 12) for leave to appeal the order of court (Doc. 10) dated June 11, 2009, and it appearing that petitioner may pursue an appeal from a final order of a district court as a matter of right, see 28 U.S.C. § 1291; FED. R. APP. P. 4(a), and that it is therefore unnecessary for petitioner to request leave of court prior to pursuing an appeal, it is hereby ORDERED that:

1. The motion (Doc. 12) for leave to appeal is DENIED as moot.
2. The motion (Doc. 12) is CONSTRUED as a notice of appeal for purposes of Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure.<sup>1</sup>

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>1</sup>The court denied the petition for writ of habeas corpus on June 11, 2009. (Doc. 10.) Petitioner filed the instant motion (Doc. 12) when he deposited it into the prison mail system on July 8, 2009. See (Doc. 12 at 5); FED. R. APP. P. 4(c)(1) ("If an inmate confined in an institution files a notice of appeal in either a civil or a criminal case, the notice is timely if it is deposited in the institution's internal mail system on or before the last day for filing"). Thus, petitioner filed the motion within the thirty-day window prescribed by Rule 4(a)(1)(A).